

United States Senate

WASHINGTON, DC 20510

May 16, 2005

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The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

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Federal Communications Commission
Office of the Secretary

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Dear Chairman Martin,

It has come to our attention that the Federal Communications Commission's reconfiguration of the 800 MHz band has adversely impacted certain independent Specialized Mobile Radio licensees, including Waccamaw Wireless, LLC ("Waccamaw"), of South Carolina. Waccamaw acquired 800 MHz licenses at FCC spectrum auctions to ensure future competitiveness, but is now unable to utilize fully all of its spectrum resources under the constraints of the new 800 MHz band plan, thereby preventing it from constructing facilities in the future equivalent to those utilized now by Nextel (i.e., high-density cellular facilities).

It is our understanding that some of these licensees have petitioned the Commission to reconsider this decision and to change the new rules to permit them to relocate all of their licenses to the upper (cellular) portion of the new 800 MHz band. It is our further understanding that, if permitted to utilize their entire spectrum resources in this manner, these licensees intend to construct high density cellular facilities completely at their own expense to continue to facilitate robust competition.

In light of the importance of smaller, independent service providers to the economy, and the importance of the unique communications services they provide to rural areas and to rural customers, we believe it is important to maintain their competitiveness. We would like to ensure that the Commission is giving due consideration to the issue of future competition in the dispatch service market in the reconsideration of the new 800 MHz band plan. Also, please inform us of the technical or engineering justifications, if any, for the current restrictions in the 800 MHz band plan that restrict these independent licensees from utilizing their site-specific licenses in their future construction of high-density cellular systems.

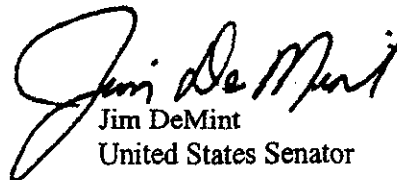
We appreciate your attention to this important matter and look forward to hearing from you.

Sincerely,



Lindsey O. Graham
United States Senator

20 MAY 2005 RCUD



Jim DeMint
United States Senator

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